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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,142	04/07/2004	Sean Christopher Endler	81487	8939
37123 7590 05/07/2007 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			EXAMINER HANNETT, JAMES M	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,142

Applicant(s)

ENDLER ET AL.

Examiner

James M. Hannett

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/8/2007 have been fully considered but they are not persuasive. The applicant argues that Storm does not teach the claimed dynamically partitioning the areas that the content stream occupy. The examiner disagrees with the applicant and asserts that Storm teaches a spherical display that can display maps of the world (Column 1, Lines 35-38), along with other data such as real-time data of airplane locations (Column 4, Lines 10-16) and weather patterns (Column 4, Lines 5-9). The examiner views the first content stream as the data of the map to be displayed on the globe. Furthermore, the examiner views the second content stream as any of the other content streams such as the airplane location data and the weather pattern data. Furthermore, these multiple content streams will all be displayed on the display and these content streams will overlap. For example, the depiction of an airplane in flight will be superimposed over the displayed map. Since the location of the airplane will move in real-time, its depiction and location on the map will be dynamically changing (moving). Therefore, the location at which the airplane and the map are superimposed is viewed as the intersection of the first content stream (map) and the second content stream (airplane data). Furthermore, this location is dynamically changing as the airplane moves in flight. Furthermore, since the location of the airplane will overlap a portion of the displayed map, the portion of the first area (airplane) and the second area (map) are shared.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 1-5, 7-12, 13, 15-18, 22 and 24 are rejected under 35 U.S.C. 102(e) as being

anticipated by USPN 6,527,555 B1 Storm.

2: As for Claim 1: Storm teaches on Column 1, Lines 59-67 and depicts in Figure 1 a

method comprising: simultaneously displaying a first content stream and a second content stream within a spherical display (10); The examiner views the first and second content streams as being the multiple data that can be displayed on the globe at the same time for example the map of the world and weather patterns overlaid over the map. Storm teaches the displayed content can be moving video. Therefore, a change in the displayed information in such as the weather patterns is viewed as receiving instructions to change a partition between a first area (area that displays a map for example) for displaying the first content stream and a second area (area that displays weather patterns) for displaying the second content stream; and dynamically partitioning the first area and the second area based on the instructions, wherein the first area and the second area are within the spherical display (10). The examiner views the process of instructing the display where to display information related to the multiple images that can be displayed at the same time as dynamically partitioning the areas that the content streams occupy.

3: In regards to Claim 2: Storm teaches on Column 3, Lines 1-15 storing the first content stream and the second content stream in a storage device. Storm teaches the displayable data can be stored in memory including DVD's, CD's and solid state memory.

4: As for Claim 3: Storm teaches on Column 1, Lines 34-37 capturing the first content

stream with a content capturing device. Storm teaches the content can be captured video.

Therefore, the video was captured with a video camera.

5: In regards to Claim 4: Storm teaches on Column 1, Lines 34-37 capturing the first content stream with a content capturing device. Storm teaches the content can be captured video.

Therefore, the video was captured with a video camera.

6: As for Claim 5: Storm teaches on Column 3, Lines 35-36 that the displayed image is a digital images therefore, the image was captured using a digital camera.

7: In regards to Claim 7, Storm teaches on Column 3, Lines 1-15 and Column 1, Lines 59-67 first and second content streams as being the multiple data that can be displayed on the globe at the same time. The examiner views the first and second content streams as being the multiple data that can be displayed on the globe at the same time for example the map of the world and weather patterns overlaid over the map. Storm teaches that this data can be stored in a DVD disk (ring) and can be played back from the DVD and displayed on the display. Therefore, the examiner views a DVD player as a playback ring (playback disk). Furthermore, the data transmitted from the DVD player determines (where and what) information will be displayed. Storm teaches the displayed content can be moving video therefore, a change in the displayed information in such as the weather patterns is viewed as receiving instructions to change a partition between a first area (area that displays a map for example) for displaying the first content stream and a second area (area that displays weather patterns) for displaying the second content stream.

8: In regards to Claim 8: Storm depicts in Figure 1 the spherical display (10) includes a flat display surface (16) and a spherical display surface (10).

9: As for Claim 9: Storm teaches on Column 1, Line 34-38 and Lines 63-67 the first content stream is video footage.

10: In regards to Claim 10: Storm teaches on Column 1, Line 34-38 and Lines 63-67 and on Column 3, Lines 36-43 the first content stream is a digital image.

11: As for Claim 11, Storm teaches on Column 1, Line 35-38 the content represented and output by the globe can include video data with audio data. The examiner views the first content stream as data including both the displayed video and audio data.

12: In regards to Claim 12: Claim 12 is rejected for reasons discussed related to claims 1 and 6.

13: As for Claim 13: Claim 13 is rejected for reasons discussed related to claims 1 and 6.

13: As for Claim 15: Storm teaches on Column 4, Lines 10-12 transmitting the first content stream and the second content stream in real time.

14: In regards to Claim 16: Storm teaches on Column 1, Lines 35-38 the first content stream is video footage.

15: As for Claim 17: Storm teaches on Column 1, Lines 35-38 the first content stream is video footage therefore, the first content stream is captured by a video camera.

16: In regards to Claim 18: Claim 18 is rejected for reasons discussed related to claim 1.

17: In regards to Claim 22: Storm depicts in Figure 1 the spherical display (10) further comprises a flat display surface (16) and a spherical display surface (10).

18: In regards to Claim 24: Claim 24 is rejected for reasons discussed related to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19: Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,527,555 B1 Storm.

20: In regards to Claims 6 and 14: Storm teaches on Column 1, Lines 58-67 that the globe is able to display using several displays (16) weather data and real time data from airplanes (Column 4, Lines 11-16) occurring around the globe and then display this information on multiple displays (16).

Official Notice is taken that it would have been well known in the art at the time the invention was made to capture the weather data and real-time information on airplane locations simultaneously in order to display the information properly. This is due to the fact that if the data to be displayed on the multiple displays (16) if not captured at the same time, when an image moves (airplane) from being displayed from one display to the next, the transition would not occur properly. If the images were not captured at the same time, an image would disappear at the edge or be duplicated at the edge for a period of time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture the weather data and real-time information on airplane locations simultaneously in order to display the information properly and to create a seamless transition from one display to the next.

21: Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,527,555 B1 Storm in view of USPN 5,898,421 Quinn.

22: As for Claim 23, Storm teaches the use of a spherical display that can display multiple content streams simultaneously such as a map of the world and weather data. Furthermore, Storm teaches that the content displayed on the display can be changed based on a detected user input. However, Storm is silent as to the specifics of the device that will detect the user inputs.

Quinn teaches on Column 1, Lines 65-67 and Column 2, Lines 1-30 the use of a gyroscopic pointing and input device for a computer system which allows the user to manipulate the location of a cursor on a display screen by sensing gravitational vectors. Quinn teaches that this gyroscopic pointing and input device is superior because it has a long range and high resolution.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the gyroscopic pointing and input device as taught by Quinn for the input device of Storm in order to provide the display device of Storm with an improved input device that has a long range and high resolution.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2622



JMH
April 17, 2007


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